

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ORDER

Before the Court is Magistrate Judge Matt J. Whitworth's Report and Recommendation (Doc. #276) denying Defendants Charles S. Austin's and Puff N Snuff, LLC's motions to dismiss the indictment and superseding indictment (Docs. #110, #139, & #222), Defendants Alexander McMillin's, Patrick R. Hawkins's, Matthew A. Hawkins's, and Molly Jane Carmichael's motions to dismiss various counts of the indictment (Docs. #122, #123, #124, & #125), and Defendants Wesley Adam Upchurch's, Alexander McMillin's, Patrick R. Hawkins's, Matthew A. Hawkins's, and Molly Jane Carmichael's motions to dismiss various counts of the superseding indictment. (Docs. #217, #218, #221, #220, & #219).

Defendants Upchurch, McMillin, Patrick Hawkins, Carmichael, Austin, and Puff N Snuff, LLC filed objections to the Report and Recommendation. (Docs. #284, #285, #286, #287, #288, & #289). After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Whitworth's findings of fact and conclusions of law and denies each Defendant's motion to dismiss various counts of the indictment and superseding indictment. Accordingly, it is hereby

ORDERED Defendants Austin's and Puff N Snuff, LLC's Motion to Dismiss Indictment (Doc. #110) is DENIED AS MOOT. It is further

ORDERED Defendants Austin's and Puff N Snuff, LLC's Amended Motion to Dismiss Indictment (Doc. #139) is DENIED AS MOOT. It is further

ORDERED Defendant McMillin's Motion to Dismiss Counts One, Two, Four, and Six of the Indictment (Doc. #122) is DENIED AS MOOT. It is further

ORDERED Defendant Patrick Hawkins's Motion to Dismiss Counts One and Two of the Indictment (Doc. #123) is DENIED AS MOOT. It is further

ORDERED Defendant Matthew Hawkins's Motion to Dismiss Counts One and Two of the Indictment (Doc. #124) is DENIED AS MOOT. It is further

ORDERED Defendant Carmichael's Motion to Dismiss Counts One and Two of the Indictment (Doc. #125) is DENIED AS MOOT. It is further

ORDERED Defendant Upchurch's Motion to Dismiss Counts One and Two of the Superseding Indictment (Doc. #217) is DENIED. It is further

ORDERED Defendant McMillian's Motion to Dismiss Counts One, Two, Three, Four, and Seven of the Superseding Indictment (Doc. #218) is DENIED. It is further

ORDERED Defendant Carmichael's Motion to Dismiss Counts One, Two, and Three of the Superseding Indictment (Doc. #219) is DENIED. It is further

ORDERED Defendant Matthew Hawkins's Motion to Dismiss Counts One, Two, and Three of the Superseding Indictment (Doc. #220) is DENIED. It is further

ORDERED Defendant Patrick Hawkins's Motion to Dismiss Counts One, Two, and Three of the Superseding Indictment (Doc. #221) is DENIED. It is further

ORDERED Defendants Austin's and Puff N Snuff, LLC's Motion to Dismiss Superseding Indictment (Doc. #222) is DENIED. It is further

ORDERED Magistrate Judge Whitworth's Report and Recommendation (Doc. #276) is ADOPTED shall be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: February 24, 2015

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT